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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/435,168	11/05/1999	SANJAY P. MURALIDHAR	1899-001	4848

9629 7590 02/17/2005

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EXAMINER
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ZEENDER, FLORIAN M

ART UNIT	PAPER NUMBER
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3627

DATE MAILED: 02/17/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/435,168

Applicant(s)

MURALIDHAR, SANJAY P.

Examiner

F. Ryan Zeender

Art Unit

3627

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 15 November 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 25 and 39-42 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 25 and 29-42 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

### DETAILED ACTION

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 25, and 39-42 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 25, lines 6-7, it is not clear whether the terminology, "information concerning at least one attendance right option for said potential event" refers to the same information claimed in line 3 or to separate distinct information.

In claim 25, line 9, the terminology, "participants" lacks antecedent basis.

In claims 41-42, "said pricing information" (emphasis added) lacks antecedent basis.

### ***Claim Rejections - 35 USC § 103***

Claims 25, 39-42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Walker et al. '127 in view of Official Notice.

Walker et al. disclose a method for marketing attendance right options including: storing in a computer information relating to an attendance right option for an airline flight; linking the computer to a user terminal through a communications link; displaying the information and current price information at the user terminal, and the price determined by market conditions (See, for example, Col. 3, lines 37-41).

Walker et al. lack the teaching of the price terms set between participants in the exchange (*if the terminology "between participants" were interpreted to be only between*

*a buyer and a seller*); the options involving sporting events, and vesting of the option occurring through advancement to or qualification for the event associated with the attendance right.

The Examiner takes Official Notice that at the time of the invention, it was well known in the art of ticket sales for post-season tournament events (i.e., College Basketball) that alumni who chose to give large gifts to a respective college's alumni club (**dollar amount, i.e., "pricing", pre-set by the club; see for example** "*www.UconnHuskies.com*" document page 3) during the season would be awarded the option to purchase tournament tickets at the end of the regular season for the subsequent rounds in the tournament in which the respective team **qualifies**. (See the previously cited document: "*Official Athletic Site of the University of Maryland*", pages 3-5, for an **example** of the procedure for ticket sales that was well known at major Universities at the time of applicant's invention). Further, see "*www.UconnHuskies.com*" document.

Re claim 39: Walker et al. teach the limitations of the claim.

### ***Response to Arguments***

Applicant's arguments filed 11/15/2004 have been considered.

The applicant has argued that ebay.com is not prior art due to the date of printing being 1/5/04. While the Examiner did print out the document pages on 1/5/04, the copyright date for the cited ebay.com document is 1995-2003 (see page 5 of 5). Further, the Examiner has provided an additional e-bay website reference depicting sporting event ticket sales whereby the date of the website was **updated on 7/27/99**.

Regardless, the argument is moot as the Examiner has not relied on ebay.com for the purposes of this rejection.

The applicant's arguments with respect to Official Notice are not persuasive. The Examiner has simply used the University of Maryland document as an example of what was known in the art prior to applicant's invention. The Examiner has further cited "The UconnClub" document as an example of what was well known at major Universities. Again, the Examiner's printout date is not relied upon.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to F. Ryan Zeender whose telephone number is (703) 308-8351 until April 13, 2005 at which time the number will become (571) 272-6790. The examiner can normally be reached on Monday-Friday, 8am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bob Olszewski can be reached on (703) 308-5183. The receptionist's phone number for the Technology center is (703) 308-1113.

The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9326 for before Final communications and (703) 872-9327 for after Final communications.

F. Zeender  
Primary Patent Examiner, A.U. 3627  
February 16, 2005

 2/16/05  
**F. RYAN ZEENDER**  
**PRIMARY EXAMINER**